

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

GERARD MICHAEL KENNEDY	§	
VS.	§	CIVIL ACTION NO. 2:05cv200
UNITED STATES OF AMERICA	§	

ORDER ADOPTING REPORT AND RECOMMENDATION

On May 20, 2005, Petitioner submitted a motion pursuant to 28 U.S.C. § 2255 to vacate, set aside or correct his sentence. Pursuant to 28 U.S.C. § 636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges, the motion was referred to United States Magistrate Judge Caroline M. Craven.

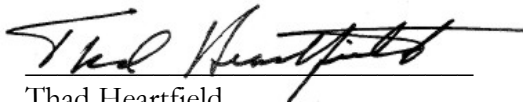
The Magistrate Judge presented for consideration the Magistrate Judge's Report, containing proposed findings of fact and recommendations for disposition of this case. The Report recommended dismissing the case. No objections were filed.

This Court finds that the Magistrate Judge's findings and conclusions are correct, and adopts them as the Court's findings and conclusions. The Court therefore

ORDERS, ADJUDGES, and DECREES that Respondent's motion to dismiss (dkt#6) is **GRANTED** and this action is **DISMISSED WITH PREJUDICE**; and

ORDERS that all motions not previously ruled on are denied.

SIGNED this the **6** day of **March, 2006**.


Thad Heartfield
United States District Judge